

## REMARKS

Claims 1-56 remain pending in the present application. Claims 1-56 are rejected. No new matter has been added.

### Claim Rejections - 35 U.S.C. §102(a)

#### Claims 1, 2, 4-21, 23-38 and 40-56

The present office action states that Claims 1, 2, 4-21, 23-38 and 40-56 are rejected under 35 U.S.C. § 102(a) as being anticipated by Lee et al. (US PUB 2003/0225701), hereinafter Lee.

Applicants have reviewed Lee and respectfully submit that the embodiments of the present invention as recited in Claims 1, 1, 2, 4-21, 23-38 and 40-56 are not anticipated by Lee for the following reasons.

Applicants respectfully submit Claim 1 (and similarly Claims 21 and 37) includes the features, “a method for controlling presentation of a computer readable media of a media storage device, said method comprising:

verifying the presence of a media presentation mechanism and a usage compliance mechanism on a computer system, said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media, said media presentation mechanism communicatively coupled with said usage compliance mechanism;

performing a first decryption of said computer readable media with said file system driver; and

performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism.” (Emphasis added)

MPEP §2131 provides:

**“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.**

Applicants have reviewed Lee and do not understand Lee to anticipate the feature, “verifying the presence of a media presentation mechanism and a usage compliance mechanism on a computer system, said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media, said media presentation mechanism communicatively coupled with said usage compliance mechanism” (emphasis added).

At page 2 item 4, the present Office Action states that Lee anticipates the claimed feature at paragraph “[0037] lines 8-13: the user system is required to install the content controller CCR in order to receive protected content.” (emphasis added)

Applicants respectfully disagree.

Applicants understand Lee at lines 8-13 to teach “(At this time, CC (40) is installed with CCR (50) performing a function to prevent illegal use of the digital contents on web of the home page so as to let the user only peruse the contents, but **not** to **illegally store** or **duplicate** for their own use). (emphasis added).

Further, Applicants understand Lee at paragraph [0041] to describe the functionality of the CCR. Specifically, Lee provides, “For reference, CCR (50) performs a preventive function of actions such as illegal use or illegal surreptitious use, etc. against the digital contents by illegal users in respect of uploading various lists and sample contents, etc for peruse of the digital contents which **can be purchased** by and are **usable to** the users by using **internet home page**, etc.” (emphasis added).

Thus, Applicants do not agree with the understanding of Lee as provided in the specific Office action, e.g., “the user system is required to install the content controller CCR in order to receive protected content” as stated in the present Office Action.

In addition, Applicants respectfully submit Lee does not anticipate verifying a usage compliance mechanism on a computer system. Further, Applicants do not understand Lee to anticipate verifying the presence of a media presentation mechanism.

As such, Applicants respectfully submit Lee does not anticipate the feature, “verifying the presence of a media presentation mechanism and a usage compliance mechanism on a computer system, said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media, said media presentation mechanism communicatively coupled with said usage compliance mechanism”

Further, Applicants have reviewed Lee and do not understand Lee to anticipate, “said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media, said media presentation mechanism communicatively coupled with said usage compliance mechanism” (emphasis added).

For these reasons, Applicants respectfully submit that Lee does not anticipate the features as recited in independent Claims 1, 21 and 37.

With respect to Claim 21, Applicants respectfully submit Claim 21 includes the feature, “an authorizing component for authorizing a **recipient** of said media storage device to experience said computer readable media provided said usage compliance mechanism is installed on said computer system.” (emphasis added)

Therefore, since Lee fails to anticipate each and every element as recited in amended independent Claims 1, 21 and 37, Applicants respectfully submit that

Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §102(a), and are thus in condition for allowance.

With respect to Claims 2, 4-20, 23-36, 38 and 40-56, Applicants respectfully point out that Claims 2, 4-20, 23-36, 38 and 40-56 depend from allowable independent Claims 1, 21 and 37 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2, 4-20, 23-36, 38 and 40-56 overcome the rejections under 35 U.S.C. §102(a), and that these claims are thus in a condition for allowance as being dependent on allowable base claims.

Claim Rejections - 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 3, 22 and 39 under 35 U.S.C. §103(a) as being unpatentable over Lee. Applicants have reviewed Lee and respectfully submit that the embodiments of the present invention as recited in Claims 3, 22 and 29 are not rendered obvious in view of Lee for the following reasons.

**To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).**

For the reasons provided herein and incorporated in their entirety herein, Applicants respectfully submit Lee fails to teach or render obvious each and every element as recited in amended independent Claims 1, 21 and 37. As such, Applicants respectfully submit that Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §103(a), and are thus in condition for allowance.

With respect to Claims 3, 22 and 39, Applicants respectfully point out that Claims 3, 22 and 39 depend from allowable independent Claims 1, 21 and 37 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 3, 22 and 39 overcome the rejections under 35 U.S.C. §103(a), and that these claims are thus in a condition for allowance as being dependent on allowable base claims.

### CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-56 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
Wagner Blecher LLP

Date: 10/28/2008

/John P. Wagner, Jr./

John P. Wagner, Jr.  
Reg. No. 35,398

WESTRIDGE BUSINESS PARK  
123 WESTRIDGE DRIVE  
WATSONVILLE, CALIFORNIA 95076  
(408) 377-0500